



December 17, 2007

CALIFORNIA ENERGY COMMISSION

Attention: Docket No. 07-BSTD-1

Dockets Office

1516 Ninth Street, MS-4

Sacramento, CA 95814

VIA HAND DELIVERY

RE: Building Efficiency Standards – Docket # 07-BSTD-1

TO THE MEMBERS OF THE CALIFORNIA ENERGY COMMISSION:

The Department of General Services (DGS) hereby submits its initial comments on the above-referenced proposed regulations that would revise the California Building Energy Efficiency Standards.

The DGS has substantial concerns with the proposed amendments to Section 10-105 of the California Building Energy Efficiency Standards.

We believe that the CEC has not demonstrated the need for the proposed amendments to the existing regulations. We question the statutory basis upon which the CEC believes it can require state and local agencies to make specified representations and certifications to the Executive Director of the CEC. Further, we believe the proposed amendments to Section 10-105 of the California Energy Code are duplicative of statutory provisions set forth in subparagraph (5) of subdivision (g) of Section 25402.1 of the Public Resources Code.

The proposed amendment also creates new enforcement responsibilities for all state and local agencies with construction oversight jurisdiction, as well as the potential to create a state mandated local program. We believe that there will be significant costs to both the state and local entities involved in permitting construction. There are also other technical issues with the proposed language that need to be addressed, which we will include in a follow up letter that will provide in more detail the basis for our concerns. Finally, DGS believes that, as drafted, the proposed regulations amending Section 10-105 fail to meet the standards in Section 11349.1 of the Government Code for adopting regulations.

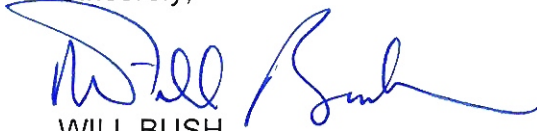
Thank you for consideration of these comments. We look forward to working with this Committee on modifications to the regulations that are acceptable to both DGS and the

¹ Title 24, California Code of Regulations, Part 1 and Part 6 (California Energy Code)

Commission. The DGS contact person on this matter is Kathy Hicks, who may be reached at 916-327-8540.

Thank you for your attention to this matter.

Sincerely,



WILL BUSH
Director

cc: Department of Finance
California Department of Corrections and Rehabilitation
Office of Statewide Health Planning and Development
Division of the State Architect
Building Standards Commission
Office of Public School Construction